



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 26]
No. 26]

नई दिल्ली, शनिवार, जून 28, 1997/आषाढ़ 7, 1919
NEW DELHI, SATURDAY, JUNE 28, 1997/ASADHA 7, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (1) PART II—Section 3—Sub-section (1)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केंद्रीय अधिकारियों (संघ राज्य
अंग प्रशासनों को छोड़कर) द्वारा विधि के अन्तर्गत बनाए गए और जारी किये गये साधारण सांविधिक
नियम (जिनमें साधारण प्रकार के आदेश, उपनियम और सौम्योक्त हैं)

General Statutory Rules (including Orders, Bye-laws etc. of a general Character) issued by the Ministries of the
Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the
Administration of Union Territories)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)

नई दिल्ली, 28 मई, 1997

सांकांति० 270.—केंद्रीय सरकार, स्वायत्त अधिवि
और मनः प्रभावी पार्ष्व अधिनियम, 1985 (1985 का 61)
की धारा 36 ग के साथ पठित दण्ड प्रक्रिया संहिता 1973
(1974 का 2) की धारा 24 की उपधारा (8) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विधि
न्याय और कंपनी कार्य मंत्रालय के विधि कार्य विभाग
की अधिसूचना सांकांति० 459 तारीख 5 सितम्बर,
1994 से निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में मू (घ) और उससे संबंधित
प्रविष्टियों का लोप किया जाएगा ।

[फा० सं० 23(2)/97-म्या०]

उदय कांत झा, अपर विधि सहायक

टिप्पण — मूल अधिसूचना सांकांति० 459 दिनांक
5-9-1994 द्वारा प्रकाशित की गई थी ।

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
(Judicial Section)

New Delhi, the 28th May, 1997

G.S.R. 270.—In exercise of the powers conferred
by sub-section (8) of section 24 of the Code of

Criminal Procedure 1973 (2 of 1974) read with section 36 C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following amendment in the Notification of the Government of India, in the Ministry of Law, Justice and Company Affairs, Department of Legal Affairs vide G.S.R. 459, dated the 5th September, 1994, namely :—

In the said Notification, item (d) and the entries relating thereto shall be omitted.

[F. No. 23(2)/97-Judl.]
U. K. JHA, Addl. Legal Adviser.

Note :—The Principal Notification was published vide G.S.R. 459, dated 5-9-1994.

वित्त मंत्रालय

(कंपनी कार्य विभाग)

नई दिल्ली, 10 जून, 1997

सांकांनि० 271.—केन्द्रीय सरकार, कंपनी अधिनियम, 1956 (1956 का 1) की धारा 594 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के वित्त मंत्रालय (कंपनी विधि प्रशासन विभाग) की अधिसूचना सं० कांनि०आ० 3216, तारीख 4 अक्टूबर-1957 (जिसे इसमें इसके पश्चात् अधिसूचना कहा गया है) में आंशिक उपांतर करते हुए यह निदेश देती है कि मैं, आगा खान फाउन्डेशन, सरोजिनी हाउस, दूसरा तल, 6 भगवान दास रोड, नई दिल्ली 110001 (जिसे इसमें इसके पश्चात् कंपनी कहा गया है) के मामले में जो कि एक विदेशी कंपनी है, उक्त धारा 594 की उपधारा (1) के खंड (क) की अपेक्षाएं जैसी कि वे किसी विदेशी कंपनी को लागू होती हैं उक्त अधिसूचना द्वारा यथा उपांतरित निम्नलिखित अतिरिक्त अपवादों और उपांतरों के अधीन रहने हुए लागू होगी अर्थात् :—

यदि कंपनी 1 जनवरी 1996 से प्रारंभ और 31 दिसम्बर 1996 की समाप्त होने वाली अवधि की बाबत अपने भारतीय कारबार लेखाओं के संबंध में भारत में समुचित कंपनी रजिस्ट्रार को निम्नलिखित की तीन प्रतियां प्रस्तुत करें तो उक्त धारा 594 की उपधारा (1) के खंड (क) के उपबंधों का पर्याप्त अनुपालन हुआ समझा जाएगा —

(1) ऐसी कंपनी की भारतीय शाखा द्वारा प्राप्तियों और संदायों का एक विवरण, जिसे —

(क) अधिनियम की धारा 592 की उपधारा (1) के खंड (घ) के अधीन भारत में आदेशिका की तामील स्वीकार करने के लिए प्राधिकृत किसी व्यक्ति, और

(ख) भारत में व्यवसायरत किसी चार्टर्ड एकाउन्टेन्ट द्वारा;

यह प्रमाणित किया जाता है कि उक्त विवरण 1 जनवरी, 1996 से प्रारंभ और 31 दिसम्बर, 1996 की समाप्त होने वाली अवधि का है, भारत में कंपनी की प्राप्तियों और संदायों की बाबत सही और उचित है,

(2) भारत में कंपनी की आस्तियों और दायित्वों का एक विवरण जिसे—

(क) अधिनियम की धारा 592 की उपधारा (1) के खंड (घ) के अधीन भारत में आदेशिका की तामील स्वीकार करने के लिए, प्राधिकृत किसी व्यक्ति, और

(ख) भारत में व्यवसायरत किसी चार्टर्ड एकाउन्टेन्ट द्वारा;

यह प्रमाणित करते हुए कि उक्त विवरण जैसा कि वह 1 जनवरी, 1996 से प्रारंभ और 31 दिसम्बर 1996 की समाप्त होने वाली अवधि के अंत में है, भारत में कंपनी के कार्यकलाप की स्थिति की बाबत सही और उचित है, और

(3) अधिनियम की धारा 592 की उपधारा (1) के खंड (घ) के अधीन भारत में आदेशिका की तामील स्वीकार करने के लिए, प्राधिकृत किसी व्यक्ति द्वारा सम्यक्तः हस्तांतरित इस आशय का एक प्रमाण पत्र कि कंपनी ने 1 जनवरी, 1996 से प्रारंभ और 31 दिसम्बर, 1996 की समाप्त होने वाली अवधि के दौरान भारत में व्यापारिक, वाणिज्यिक या औद्योगिक क्रियाकलाप नहीं किया है।

[फा० सं० 50/42/96-सी०एल० 3]
आर० एन० वासवानी, अव्वर सचिव

MINISTRY OF FINANCE
(Department of Company Affairs)

New Delhi, the 10th June, 1997

G.S.R. 271.—In exercise of the powers conferred by the proviso to the sub-section (1) of section 594 of the Companies Act, 1956 (1 of 1956) and in partial modification of the Notification of the Government of India, Ministry of Finance (Department of Company Law Administration) No. S.R.O. 3216, dated the 4th October, 1957 (hereinafter referred to as the Notification) the Central Government hereby directs that in the case of M/s. Aga Khan Foundation, Sarojini House, 2nd Floor, 6, Bhagwan Das Road, New Delhi—110001, (hereinafter referred to as the company) being a foreign company the requirements of clause (a) of sub-section (1) of the said section 594 as modified in their application to a foreign company by the said Notification shall apply subject to the following further exceptions and modifications, namely :—

It shall be deemed to be sufficient compliance with the provisions of clause (a) of sub-section (1) of the said Section 594 if, in respect of the period commencing from the 1st day of January, 1996 and ending on the 31st day of December, 1996, the com-

pany in respect of its Indian Business Account submits to the appropriate Registrar of Companies in India, in triplicate :—

- (i) a statement of receipts and payments made by the Indian Branch of such Company, certified by :—
 - (a) a person authorised to accept service of process in India under clause (d) of sub-section (1) of section 592 of the Act, and
 - (b) a Chartered Accountant practising in India : certifying that the said statement gives a true and fair view of the receipts and payments of the company in India for the period commencing from the 1st day of January, 1996 and ending on the 31st day of December, 1996.
- (ii) a statement of the company's assets and liabilities in India certified by :—
 - (a) a person authorised to accept service of process in India under clause (d) of sub-section (1) of section 592 of the Act, and
 - (b) a Chartered Accountant practising in India : certifying that the said statement gives a true and fair view of the state of affairs of the company in India as at the end of the period commencing from the 1st day of January, 1996 and ending on the 31st day of December, 1996.
- (iii) a certificate duly signed by person authorised to accept service of process in India under clause (d) of sub-section (1) of section 592 of the Act certifying that the company did not carry on any trading, commercial or industrial activity in India during the period commencing from the 1st day of January, 1996 and ending on the 31st December, 1996.

[No. 50/42/96-CL. III]
R. N. VASWANI, Under Secy.

SUPREME COURT OF INDIA

New Delhi, the 17th June, 1997

G.S.R. 272.—In exercise of the powers conferred by Article 145 of the Constitution and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely :—

1. (1) These Rules may be called the Supreme Court (First Amendment) Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966—In rule 1 of Order XVI, the word “leave” appearing after the word “Where” and before the words “to appeal” in

the first line be substituted by the words “certificate of fitness”.

3. In Order XVI, the existing Rule 4(1) be substituted by the following :

“4. (a) The petition for seeking special leave to appeal (SLP) filed before the Court, under Article 136 of the Constitution shall be in Form No. 28 appended to the rules. No separate application for interim relief need be filed. Interim prayer if any should be incorporated in Form No. 28.

(b) Alongwith the petition, list of dates in chronological order with relevant material facts or events pertaining to each of the dates shall be furnished.

(c) SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged. However, the petitioner respondent, and with leave to the Court urge additional grounds at the time of hearing.

(d) (i) The petitioner may produce copies of such petition/documents which are part of the record in the case before the Court/Tribunal below if and to the extent necessary to answer, the question of law arising for consideration in the petition or to make out the grounds urged in the S.L.P., as Annexures to the petition—numbering them as Annexure 1, 2, 3 and so on.

(ii) If the petitioner wants to produce any document which was not part of the records in the Court below he shall make a separate application stating the reasons for not producing it in the Court/Tribunal below and the necessity for its production in the Court and seek leave of the Court for producing such additional documents.

(e) Every petition shall be supported by the affidavit of the petitioners or one of the petitioners as the case may be or by any person authorised by the petitioner in which the deponent shall state that the facts stated in the petition are true and the statement of dates and facts furnished along with the SLP are true to his knowledge and/or information and belief.

(f) The papers of the S.L.P. shall be arranged in the following order:

(i) List of dates in terms of clause (b) of Sub-rule (1).

(ii) Certified copies of the judgment and order against which the leave to appeal is sought for;

(iii) The special leave petition in the prescribed Form No. 28,

(iv) Annexures, if any, filed alongwith the SLP.

- (g) If notice is ordered on the special leave petition, the petitioner should take steps to serve the notice on the respondent. Provided in the case of a special leave petition against an interlocutory order, the notice may be served on the advocate appearing for the party in the Court/Tribunal against whose order the leave to appeal is sought for."

4. In order XVI, the following be introduced as proviso to Rule 11.

"Provided that if the respondent had been served with the notice in the Special Leave Petition or had filed caveat or had taken notice, no further notice is required after the lodging of the appeal."

5. In Order XVI, after Rule 12, the following be introduced as Rule 13:—

"13 (1) Respondent to whom a notice in a special leave petition is issued or who had filed a caveat shall be entitled to oppose the grant of leave or interim orders, without filing any written objections. He shall also be at liberty to file his objections but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the SLP and may produce such pleadings and documents filed before the Court/Tribunal against whose order the SLP is filed and shall also set out the grounds for not granting interim order or for vacating interim order if already granted.

(2) No separate application for vacating interim order need be filed. The respondent shall however be at liberty to file application for vacating stay separately before or after filing objections.

(3)(a) Where any statement of objection is filed by the respondent, it shall supported by an affidavit of the party or any person authorised by him verifying to the correctness of the statements made therein and also to the effect that annexures produced are the true copies of the originals which formed part of record in the court below:

(b) If respondent wants to produce any document which was not part of the record in the Court below he shall file an application seeking permission of the Court to produce such documents setting out the reason as to why it was not produced in the Court below as also the necessity of producing it before the Court.

(4) The respondent may, if considered necessary, file additional list of dates with material facts in addition to those furnished by the petitioner if he considers that the list of dates and facts filed by the petitioner is inaccurate or incomplete."

6. In Order XXI, after sub clause (4) of Rule 3 the following be added as sub clause (5):

(5) "SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds shall be stated or relied upon without express prior permission of the Court obtained on an application made for this purpose."

7. In Fifth Schedule, after Form No. 27, the following be introduced as Form No. 28.

FORM 28

IN THE SUPREME COURT OF INDIA
[Order XVI Rule 4(1)(a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

S.L.P. (Civil) No. OF.....

BETWEEN

Position of Parties

In the Court/Tribunal from whose order the petition arises.	In this Court
---	---------------

(A) (Here insert the name names of the peti- tioner	Petitioner/ Respondent/ Appellant
---	---

(B)

(C)

AND

(D) (Here insert the name names of Respon- dent	Petitioner/ Respondent/ Appellant Respondent
---	--

(E)

(F)

To

Hon'ble the Chief Justice of India and His
Companion Judges of the Supreme Court of
India.

The Special leave petition of the petitioner most
respectfully sheweth:

1. The petitioner/petitioners above named res-
pectfully submits this petition seeking
special leave to appeal against the judg-
ment|order of

(Here specify the Court/Tribunal against
whose order the leave to appeal is sought

for together with number of the case, date of the order and the nature of the order such as allowing or dismissing the matter or granting or refusing the interim order etc.)

2. **QUESTIONS OF LAW** :—The following questions of the law arise for consideration by this Hon'ble Court :

(Here set out the questions of law arising for consideration precisely).

3. **DECLARATION IN TERMS OF RULE 4(2)** :—The petitioner states that no other petition seeking leave to appeal has been filed by him against the impugned judgment and order.

4. **DECLARATION IN TERMS OF RULE 6** :—The petitioner states that no other SLP are true copies of the pleadings/documents which formed part of the records of the case in the Court/Tribunal below against whose order the leave to appeal is sought for in this petition.

5. **GROUND**S :—Leave to appeal is sought for on the following grounds.

(Here specify the grounds precisely and clearly)

6. **GROUND**S FOR INTERIM RELIEF :—(Here specify briefly the grounds on which interim relief is sought for)

7. **MAIN PRAYER** :—(Here set out the main prayer)

8. **INTERIM RELIEF** :—(Here set out the interim prayer)

Place :

Date :

Advocate for the petitioner

settled by:

(Specify the name of the Advocate in case where the petition is settled by an advocate).

By order of the Court

[No. 1|SCRs. Amdt.|Regt.|(J.II)|97]

H. S. KAPOOR, Registrar (Judicial)

